

**REMARKS**

In the Office Action mailed October 31, 2007, the Examiner noted that claims 1, 14, 15, 17-19 and 32-37 were pending, claims 3-13, 16, 20-24 and 27-31 have been withdrawn from consideration, and the Examiner rejected claims 1, 14, 15, 17-19 and 32-37. No claims have been amended, claims 16, 20-24, 27-31 and 37 have been canceled, new claim 38 has been added and, thus, in view of the forgoing claims 1, 14, 15, 17-19, 32-36 and 38 remain pending for reconsideration which is requested. No new matter has been added. The Examiner's rejections are traversed below.

On page 3 of the Office Action, the Examiner rejected claims 1, 14, 17, 18, 32, 32, 33 and 35-37 under 35 U.S.C. § 102 as anticipated by Fuss. Page 6 of the Office Action rejects claims 15, 19 and 34 under 35 U.S.C. § 103 over Fuss and Katajamaki.

An Interview was conducted with the Examiner on February 26, 2008 and the substance of the Interview is discussed below.

As discussed with the Examiner in the Interview, Fuss divides an image into rectangular areas as shown in figure 4. Fuss then computes an histogram for each area. Then, a weighted sum of local histograms is computed.

As also discussed with the Examiner, Katajamaki has been cited by Examiner for different correcting parameters

In contrast to the rectangular area division of Fuss, as also discussed with the Examiner, claim 1 emphasizes that an image is divided into sub-areas "according to tone level". As pointed out to the Examiner this is discussed on application pages 9 and 16 and shown in figure 5. As shown in figure 6, by the areas labeled R1-R6, the dividing of the image based on tone level produces somewhat irregular areas. This is in contrast to the rectangular areas of Fuss. This division based on tone level is also not addressed by Katajamaki. The prior art, does not teach or suggest "dividing an original image into a plurality of image sub-areas according to tone level information of pixels forming the image" of claim 1.

The other independent claims also emphasize "dividing an original image into a plurality of image sub-areas responsive to tone level information of pixels forming the image" - claim 14, "dividing the plurality of corrected images respectively into a plurality of image sub-areas responsive to tone level information of pixels forming the image" - claim 15, "an area division unit dividing the original image into a plurality of image sub-areas responsive to tone level information of pixels forming the image" - claim 17, "an area division unit dividing each of the

plurality of corrected images into a plurality of image sub-areas responsive to tone level information of pixels forming the image" - claim 19, "dividing an original image into a plurality of image sub-areas responsive to tone level information of pixels forming the image" - claim 32, "dividing an original image into a plurality of sub-areas responsive to tone level information of pixels forming the image" - claim 33, "dividing the plurality of corrected images respectively into a plurality of sub-areas responsive to tone level information of pixels forming the image" - claim 34, "statistically processing each of regions of an original image responsive to tone level information of pixels forming the image to produce statistical amounts for each of the regions" – claim 35, and "dividing the image into sub-areas responsive to tone level information of pixels forming the image" - claim 36.

It is submitted that claims 14, 15, 17, 19, 32, 33, 34, 35, and 36 are patentably distinguishable over the prior art.

Once the image is divided into sub-areas based on tone level, claim 1 calls for computing a characteristic amount for sub-areas and then computing a statistical amount using the characteristic amounts of the sub areas. The prior art does not teach or suggest such either.

It is submitted that the independent claims distinguish over the prior art and withdrawal of the rejection is requested.

It is submitted that the claims are not taught, disclosed or suggested by the prior art. The claims are therefore in a condition suitable for allowance. An early Notice of Allowance is requested.

If any further fees, other than and except for the issue fee, are necessary with respect to this paper, the U.S.P.T.O. is requested to obtain the same from deposit account number 19-3935.

Respectfully submitted,

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